

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed June 28, 2004. Claims 19-21 were allowed, and claims 30 and 38 were indicated as allowable. Claims 1-18, 22-29, 31-37 and 39 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 19-27, 29, 31-35, 37, and 39-53 remain in the application. Claims 1-39 were originally presented. Claims 1-18, 28, 30, 36 and 38 have been canceled without prejudice. Claims 23 and 31 have been amended. Claims 29 and 37 have been amended for consistency, without narrowing the scope thereof and not for any reason related to patentability. New claims 40-53 have been added.

The indication of allowed claims 19-21, and the indication of allowable subject matter in claims 30 and 38, if rewritten in independent form, is acknowledged with appreciation. Independent claim 23 has been amended to include allowable claim 30, and independent claim 31 has been amended to include allowable claim 38. Therefore, independent claims 23 and 31, and dependent claims 24-27, 29, 32-35 and 37, are allowable.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5-7, 9-12, 14-16, 18, 23, and 25-29 (including independent claims 1, 10 and 23) were rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson.

Claims 1-3, 5-7, 9-12, 14-16 and 18 have been cancelled without prejudice.

Independent claim 23 has been amended to include allowable claim 30. Therefore, independent claims 23, and dependent claims 25-29 are allowable over the Johnson reference.

Claims 1, 6, 7, 8, 10, 12, 15, 16 and 17 (including independent claims 1 and 10) were rejected under 35 U.S.C. § 102(b) as being anticipated by Corbin.

Claims 1, 6, 7, 8, 10, 12, 15, 16 and 17 have been cancelled without prejudice.

In order to most succinctly explain why the claims presented herein are allowable, Applicant will direct the following remarks primarily to the originally presented independent

Claim Rejections - 35 U.S.C. § 103

Claims 4, 13, 22 and 39 (including independent claims 22 and 39) were rejected under 35 U.S.C. § 103 as being unpatentable over Johnson.

Claims 4 and 13 have been cancelled without prejudice.

Independent claim 22 recites “the attachment and support sections have a substantially constant and equal thickness less than approximately one inch.” Independent claim 39 recites “the support section being formed of an x-ray transparent material and having a thickness less than approximately one inch.” The Office Action stated that “Applicant has not demonstrated or shown any criticality associated with this parameter.” Applicant respectfully traverses this assessment. The specification on page 5, lines 1-25, states:

“In addition, the plate 26 or sheet 58 can have a substantially constant thickness t (FIG. 2). Thus, the plate 26 can be formed from a single sheet of material. Furthermore, the plate 26 or sheet 58 can be relatively thin, such as less than one inch thick. Or at least the support section 46 can have a thickness less than one inch. It will be appreciated that having a thinner support section 46 can allow medical imaging equipment to be positioned closer to the limb 18. For example, as shown in FIG. 3, an image intensifier 74 of an x-ray or c-arm system 78 can be positioned adjacent a lower surface 82 of the support section 46, and thus within approximately one inch of the patient’s limb 18. It will be appreciated by those skilled in the art that positioning the image intensifier 74 closer to the patient’s limb can result in larger and clearer images. Thicker supports can increase the magnification and distort the image. In addition, the space above the patient’s limb is also greater, facilitating operations. Thus, the support section 46 has a slender profile that preserves working space, facilitates larger and clearer images, and allows real-time imaging. Thus, the c-arm or x-ray system 78 can be “parked,” permitting real-time imaging.

The support section 46 can be formed of an x-ray transparent material. Thus, images can be taken through the support section 46, and without moving the patient’s limb 18 from the support section 46. Again, it will be appreciated by those skilled in the art that imaging without repositioning the patient’s limb results in greater efficiency and sterility. Because the plate 26 or sheet 58 can be formed of a single, continuous sheet, the entire plate 26 or sheet 58 can be formed of an x-ray transparent material. The sheet 58 can be a sheet of acrylic, such as Plexiglas®. In addition, the sheet 58 or plate 26 can be substantially clear or transparent. The transparent plate 26 can facilitate positioning of the imaging equipment, such as the image intensifier. In addition, indicia can be formed on the lower surface 82 and visible through the upper surface 54 but without interfering with the upper surface. The indicia can include instructions or warnings, indicators, alignment or positioning marks, scales, etc.”

The Johnson reference, however, does not teach or suggest having a substantially constant and equal thickness less than approximately one inch, as recited by claim 22. In addition, the Johnson reference does not teach or suggest having an x-ray transparent material and having a thickness less than approximately one inch, as recited by claim 39.

Therefore, Applicant respectfully submits that independent claims 22 and 39 are allowable over the Johnson reference, and urges the Examiner to withdraw the rejection.

New dependent claims 22 and 39 recite that “the attachment and support sections are planar.” The Johnson reference does not teach or suggest planar sections, and teaches away from such a concept by teaching curved sections. See FIGs. 3 and 4.

Claims 24 and 31-37 (including independent claim 31) were rejected under 35 U.S.C. § 103 as being unpatentable over Johnson in view of Omdal.

Claim 24 depends from allowable claim 23, and is therefore allowable.

Independent claim 31 has been amended to include allowable claim 38. Therefore, independent claim 31, and dependent claims 32-35 and 37, are allowable.

New Claims

New claim 41 recites “the support section of the plate having a width substantially equal to a width of the medical table.” None of the cited references teach or suggest such a plate.

New claim 42 recites “the attachment section of the plate having a length substantially equal to a width of the medical table.” None of the cited references teach or suggest such a plate. The cited references teach away from a plate having a length equal to a width of the table by teaching to have a shorter length that extends only partially across the table.

New claim 43 recites a system with “a plurality of separate, elongated plates ... the support sections of the plurality of plates having different lengths and widths with respect to one another.” Thus, the system can be provided to support various different limbs of a patient, such as arms, legs, head, etc.

New claim 46 recites “the attachment and support sections being substantially planar and substantially parallel with one another; the upper surface of the support section being disposed at an elevational height above the upper surface of the attachment section, the height being

substantially equal to a thickness of a mattress disposed on the medical table, so that the upper surface of the support section is substantially flush with an upper surface of the mattress.” None of the cited prior art references teach planar support and attachment sections with the support section being disposed higher than the attachment section. Some references teach away from such a concept by teaching to support the limb at a lower elevation.

CONCLUSION

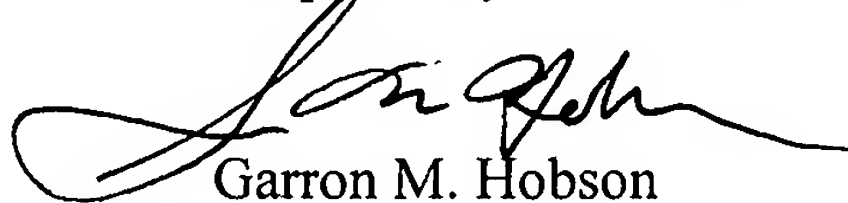
In light of the above, Applicant respectfully submits that pending claims 19-27, 29, 31-35, 37, and 39-53 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Check No. 20336, in the amount of \$86.00, is enclosed for two additional independent claims. Fourteen claims were added (claims 40-53), including four independent claims (claims 41, 42, 43 and 46), while twenty-two claims were canceled (claims 1-18, 28, 30, 36 and 38), including two independent claims (claims 1 and 10). Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 28th day of September, 2004.

Respectfully submitted,



Garron M. Hobson
Registration No. 41,073

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633